

ARTICLE 12

DOWNTOWN HAYWARD BUSINESS IMPROVEMENT AREA

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ARTICLE 12

DOWNTOWN HAYWARD BUSINESS IMPROVEMENT AREA

SEC. 8-12.00 AUTHORITY. This Article is adopted pursuant to the authority of the "Parking and Business Improvement Area Law of 1979," being Section 36500 et seq. of the Streets and Highways Code of the State of California.

SEC. 8-12.01 DESIGNATION. There is hereby created and established a Parking and Business Improvement Area to be known and designated as Downtown Hayward Business Improvement Area of the City of Hayward, hereinafter sometimes referred to as "Area."

SEC. 8-12.02 DESCRIPTION OF AREA. A description of the boundaries of said Downtown Hayward Business Improvement Area of the City of Hayward is as follows:

	<u>Zone I Addresses</u>	<u>Zone II Addresses</u>
A Street	636 - 1099	1100 - 1229
Atherton Street	22660 - 22799	22800 - 22999
B Street	630 - 804	1131 - 1229
	1091 - 1130	
C Street	700 - 1099	1100 - 1224 (even only)
City Center Drive	----	22001 - 22399 (odd only)
D Street	700 - 1098 (even only)	701 - 1029 (odd only)
First Street	22701 - 22799 (odd only)	----
Foothill Boulevard	22380 - 22694	22253 - 22370
	22696 - 22803	22805 - 22899
Hazel Avenue	----	1101 - 1199 (odd only)
Jackson Street	----	790 - 898 (even only)
Main Street	22500 - 22506	22192 - 22498 (even only)
	22697 - 22777	22778 - 22899
Maple Court	22400 - 22498 (even only)	22401 - 22499 (odd only)
McKeever Avenue	----	1000 - 1099
Mission Boulevard	22484 - 22799	22800 - 22899
Montgomery Street	22500 - 22599	----
Richard Place	----	1207 - 1217
Russell Way	----	1100 - 1261
Second Street	----	22300 - 22699
Watkins	22500 - 22799	22800 - 22999
Willis Avenue	----	700 - 899

	<u>Zone 1A Addresses</u>
B Street	805 - 1090
Foothill Blvd.	22695
Main Street	22507 - 22696

For purposes of graphic illustration, the boundaries of said 'Area' are shown on that certain map entitled 'Downtown Hayward Business Improvement Area' on file in the Finance Department.

SEC. 8-12.05 BUSINESSES SUBJECT TO CHARGES OR ASSESSMENTS. All businesses within the boundaries of said Area shall be subject to the provisions of charges or assessments imposed by this article. When more than one business license is issued to or registered at the same address to the same person or organization or to an entity which serves as an umbrella organization (such as a cooperative, partnership or businesses with individually owned components operating as a group at the same address), such businesses shall be considered to be a single business for the purpose of collection of charges or assessments under this article. Final determination of the applicability of charges or assessments to one or more businesses under this article shall be made by the Finance Director or Revenue Manager.

SEC. 8-12.06 SYSTEM OF CHARGES OR ASSESSMENTS. Charges or assessments shall be made upon various classes of businesses and zones of benefit in the following manner:

(1) Professional, service and non-retail businesses:

- a. Businesses classified as professional include but are not limited to:
Accountants, Architects, Attorneys, Chiropractors, Consultants, Dentists, Designers, Draftsmen, Engineers Interior Designers, Optometrists, Osteopaths, Physicians, Surgeons, Veterinarians.
- b. Businesses classified as service include but are not limited to:
Bail Bondsmen, Barber Shops, Beauty Shops, Contractors, Shoe Repair, Employment Agencies, Real Estate Brokers and Agents, Schools, Hospitals, Secretarial Services, Stock and Bond Brokers, Travel Agencies, Dry Cleaners.
- c. Businesses classified as miscellaneous non-retail include but are not limited to:
Apartments, Auto Repair, Card Clubs, Home Occupations, Hotels, Locksmiths, Mortuaries, Motels, Office Buildings, Photographers, Radio and TV Repair, Taxicab Companies, Theaters.

(2) Financial Institutions:

Businesses classified as financial institutions include, but are not limited to:

Banks, Savings & Loans, Credit Unions.

(3) Retail Businesses:

All businesses classified as PROFESSIONAL SERVICE AND MISCELLANEOUS NON-RETAIL which are located in Zone 1A shall pay a flat fee of \$125.00 per year. Zone 1 is a flat fee of \$75.00 per year.

All businesses classified as FINANCIAL which are located in Zone 1A shall pay a flat fee of \$325.00 per year. Zone 1 is a flat fee of \$200.00 per year.

All businesses classified as PROFESSIONAL SERVICE AND MISCELLANEOUS NON- RETAIL which are located in Zone 2 shall pay a flat fee of \$75.00 per year.

All businesses classified as FINANCIAL which are located in Zone 2 shall pay a flat fee of \$200.00 per year.

All businesses classified as RETAIL shall pay an assessment based on the following gross receipts schedule:

<u>Gross Receipts</u>	<u>Zone 1A</u>	<u>Zone 1</u>	<u>Zone 2</u>
Less Than \$100,000	\$145.00	\$120.00	\$ 90.00
\$100,001 " " 150,000	175.00	150.00	115.00
150,001 " " 200,000	205.00	180.00	135.00
200,001 " " 300,000	255.00	230.00	175.00
300,001 " " 400,000	305.00	280.00	210.00
400,001 " " 500,000	355.00	330.00	250.00
500,001 " " 750,000	425.00	400.00	300.00
750,001 " " 1,000,000	495.00	400.00	300.00
\$1,000,001 and Up	525.00	400.00	300.00

- (4) As an exception to the annual assessment calculated pursuant to subsection (3), a new business during its initial year of operations shall be assessed as follows:

Businesses established from Jan. 1 through Mar. 31 -

100 percent of assessment

Businesses established from Apr. 1 through June 30-

75 percent of assessment

Businesses established from July 1 through Sept. 30 -

50 percent of assessment

Businesses established from Oct. 1 through Dec. 31 -

25 percent of assessment

SEC. 8-12.07 COLLECTION OF CHARGES OR ASSESSMENTS. The charges or assessments hereby assessed shall be due and payable and shall be paid at the same time and in the same manner that annual business license taxes imposed by the City of Hayward are due and payable and shall be subject to the penalties and interest provided for delinquencies under Article 1 of this chapter.

SEC. 8-12.08 VOLUNTARY CONTRIBUTION. Any business may make voluntary contributions to said Area for the purposes provided in this article.

SEC. 8-12.09 USE OF REVENUES. Uses of revenues derived from charges or assessments imposed pursuant to this Article shall be limited to the following:

- a. The acquisition, construction, or maintenance of parking facilities for the benefit of

the Area;

- b. Decoration of any public place in the Area;
- c. Promotion of public events which are to take place on or in public places in the Area;
- d. Furnishing of music in any public place in the Area; and
- e. The general promotion of business activities in the Area.

SEC. 8-12.10 FUND. There is hereby created a special fund designated the "Downtown Hayward Business Improvement Area Fund" into which all revenues derived from charges or assessments and contributions pursuant to this Article shall be placed, and such funds shall be used only for the purposes specified in this Article.

SEC. 8-12.11 EXPENDITURES. The City Council shall annually approve a budget to include an estimate of expenditures to be made from the Downtown Hayward Business Improvement Area Fund to carry out the purposes of this Article.

SEC. 8-12.12 EFFECTIVE DATE. The charges or assessments imposed by this Article shall be due and payable on January 1, 1985, and annually thereafter.

SEC. 8-12.15 ADVISORY COMMITTEE. For the purpose of advising the Council and making recommendations as to how the revenue derived from the charges or assessments imposed by this Article shall be used within the scope of the purposes set forth in this Article, and to have and perform such other powers and duties as the Council may determine, there may be created an Advisory Committee consisting of any number of members to be appointed by the City Council and to serve at its pleasure, said members to be persons who have businesses within the Area, and pay a charge or assessment pursuant to this Article.

SEC. 8-12.16 POWER TO CONTRACT. The Council may contract from time to time with a non-profit tax-exempt corporation, the purpose of which shall be to carry out the purposes for which these charges or assessments are levied and as herein provided in this Article. In event such agreement is made, it shall provide that said corporation shall present budget of proposed expenditures and purposes to the City Manager, for investigation and report to the Council upon the advisability and feasibility of the proposed expenditures and improvements. Upon approval of said budget requests, the Council shall allocate and direct payment of such amounts as it shall determine to said contracting agency by the City's Director of Finance.